

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Commercial Taxes Department - Allegation of corruption against Sri B.Babaiah, Assistant Commercial Tax Officer, O/o Commercial Tax Officer, Charminar Circle, Hyderabad - Trapped on 9.2.2004 - Prosecuted - Acquitted by the Court of Principal Special Judge for SPE & ACB Cases, Hyderabad - Sanction of pension and pensionary benefits - Orders-Issued.

REVENUE (VIGILANCE.I) DEPARTMENT

G.O.Rt. No. 304

Dated.22.2.2012.

Read the following:

1. From the DG, ACB, Letter Rc. No. 51/RCT-CR1/2004, dt. 20.4.2006.
2. Govt., Memo. No 4611/Vig.I(3)/2004-2, Dt.30.12.2005.
3. Judgment of the Court of Prl. Spl. Judge for SPE & ACB Cases, Hyderabad in CC No.16/2006, dt. 30.12.2011
4. From the DG, ACB, Letter No. 51/RCT0-CR1/2004, Dt: 21.1.2012.
5. Representation of Sri. B. Babaiah, ACTO (Retd.), Dt.27.1.2012.
6. Govt. Memo No.16933/Vig. I(2)/2010 -3, Dt:22-2-2012.

ORDER:-

It has been brought to the notice of the Government that Sri Bogapathi Babaiah, Assistant Commercial Tax Officer (A.O.1), Charminar Circle, Hyderabad was trapped by the A.C.B. on 9.2.2004, when he demanded and accepted a bribe of Rs.1,500/- from the complainant Sri Pothkanoori Nagaraju, through his Private Office Assistant Sri Siddam Ramesh (A.O.2) for processing the application of the complainant for registration of his Firm.

2) And whereas, in the reference 2nd read above, permission was accorded to the Director General, Anti-Corruption Bureau to prosecute the accused officers Viz., Sri B.Babaiah, formerly Assistant Commercial Tax Officer (now retired), O/o Commercial Tax Officer, Charminar Circle, Hyderabad and Sri S. Ramesh, Private Assistant, in a Court of Law.

3) And whereas, in the reference 3rd read above, the Principal Special Judge for SPE & ACB Cases, Hyderabad delivered judgment on 30.12.2011 in CC No.16/2006 and held that the Accused Officer-1 and Accused Officer-2 are not found guilty of the charges framed against them under sections 7 & 13(1)(d) r/w Sec. 13(2) Prevention of Corruption Act, 1988 in so far as Accused Officer.1 is concerned and under Sec.12 of the Act in so far as Accused Officer.2 is concerned and acquitted them u/s 248(1) of Criminal Procedure Code.

4) And whereas, in the reference 5th read above, Sri B. Babaiah, Assistant Commercial Tax Officer (Retd.), while enclosing the certified copy of the judgment of the trial court, dt: 30.12.2011 in CC No.16/2006, has requested the Government to release his full pension and pensionary benefits to him w.e.f 1.3.2004.

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5) And whereas, in the reference 6th read above, based on the proposal of Director General, Anti-Corruption Bureau, Government have accorded permission to the Director General, Anti-corruption Bureau to file an appeal in the High Court of A.P against the acquittal judgment dt: 30.12.2011 of the Principal Special Judge for SPE & ACB Cases, Hyderabad in CC No. 16/2006.

6) Government have examined the representation of Sri B.Babaiah, Assistant Commercial Tax Officer (Retd.); keeping in view the orders of Hon'ble High Court of AP, dt: 28.1.2010 made in similarly situated cases in WP.No.27607, 27614 & 22929 of 2009 and decided to release full pension and pension benefits to the individual; without prejudice to the Criminal Appeal being filed before the Hon'ble High Court and also keeping in view the provision under 9 of A.P. Revised Pension Rules, 1980. Accordingly, Government hereby order to release full pension and pensionary benefits to Sri B. Babaiah, Assistant Commercial Tax Officer (Retd.); without prejudice to the Criminal Appeal being filed before the High Court of A.P. and also keeping in view the provisions under 9 of A.P. Revised Pension Rules, 1980.

7) The Commissioner of Commercial Taxes, AP., Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
Sri B. Babaiah, Assistant Commercial Tax Officer (Retired),
O/o. the Commercial Tax Officer, Charminar Circle, Hyderabad
through Commissioner of Commercial Taxes, A.P. Hyderabad.
The Commissioner of Commercial Taxes, A.P. Hyderabad.
Copy to
The Director General, Anti Corruption Bureau, Hyderabad.
The Secretary to VC, A.P. Vigilance Commission.
The Director of Treasuries & Accounts, Hyderabad.
The Revenue(CT.I) Department.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER.